

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

TODD JEFFREY GATES, # 275350,	)	
	)	
Petitioner,	)	
	)	CIVIL ACTION NO.
v.	)	2:21-CV-215-RHA-SRW
	)	[WO]
CHRISTOPHER GORDY, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

**I. INTRODUCTION**

Todd Jeffrey Gates, a state inmate at the Staton Correctional Facility in Elmore, Alabama, initiated this action by filing a petition in which he seeks habeas corpus relief under 28 U.S.C. § 2254. Doc. 1. In his § 2254 petition, Gates challenges his convictions and sentences entered by the Circuit Court of Baldwin County, Alabama, for the offenses of second degree rape and the receipt of stolen property.

**II. DISCUSSION**

Title 28 U.S.C. § 2241(d) allows Gates to bring a § 2254 habeas petition in either (1) the federal district court for the district wherein he is in custody (the Middle District of Alabama, where the Staton Correctional Facility is located), or (2) the federal district court for the district within which the state court that convicted and sentenced him was held (the Southern District of Alabama, where the Circuit Court of Baldwin County is located). Section 2241(d) provides that this court “in the exercise of its discretion and in furtherance of justice,” may transfer a petitioner’s § 2254 petition to “the district court for the district

within which the State court was held which convicted and sentenced [the petitioner].” 28 U.S.C. § 2241(d).

The matters complained of by Gates stem from convictions and sentences entered by the Circuit Court of Baldwin County. The records and witnesses relating to these matters are most likely to be located in Baldwin County. Therefore, this court finds that the interest of justice and judicial economy will be best served by transferring this case to the United States District Court for the Southern District of Alabama for review and disposition.

### **III. CONCLUSION**

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be TRANSFERRED to the United States District Court for the Southern District of Alabama under 28 U.S.C. § 2241(d).

It is further

ORDERED that the parties shall file any objections to this Recommendation on or before **April 6, 2021**. A party must specifically identify the factual findings and legal conclusions in the Recommendation to which objection is made; frivolous, conclusive, or general objections will not be considered. Failure to file written objections to the Magistrate Judge’s findings and recommendations in accordance with the provisions of 28 U.S.C. § 636(b)(1) shall bar a party from a *de novo* determination by the District Court of legal and factual issues covered in the Recommendation and waives the right of the party to challenge on appeal the District Court’s order based on unobjected-to factual and legal conclusions accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982); 11TH CIR. R.

3-1. *See Stein v. Lanning Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc).

DONE, on this the 22<sup>nd</sup> day of March, 2021.

/s/ Susan Russ Walker  
Susan Russ Walker  
United States Magistrate Judge